

November 15, 2008

Charles Temple  
491 Stafford Road  
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 3-12, Block/Plat 113, Card/Lot 39

Dear Mr. Temple:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on November 5, 2008 for a determination that he has exercised the permission granted to him by a grant of the Board on February 2, 2007 for a variance from Article XIV, Sections 5.a. & 5.c. of the Tiverton Zoning Ordinance (the "Zoning Ordinance") to expand two existing dwellings from one bedroom to two bedrooms and to demolish three existing dwellings and construct one new single family dwelling (the "Proposal") on property located at 491 Stafford Road, Tiverton, R.I., at Map 3-12, Block/Plat 113, Card/Lot 39 (the "Premises"), expanding a legal non-conforming use in an R60 zone and being located within the Stafford Pond Watershed district.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and after taking into consideration all of the testimony at the public hearing, makes the following findings:

1. That the Premises contains approximately 136,985 square feet of land area, more or less, and is zoned R60 residential.
2. That the Premises is presently developed with five single family homes and several accessory structures and the Proposal requires use variance relief from the Board, pursuant to Article XIV, Sections 5.a. & 5.c. and the Stafford Pond Watershed district of the Zoning Ordinance in the R60 zone.
3. That the petitioner previously testified that due to the presence of Stafford Pond and the pre-existing location of the several dwellings on the Premises that the Proposal and location of the proposed dwelling was the most reasonable alternative to improve the Premises.
4. The petitioner also testified that the Proposal would require no other relief from the Zoning Ordinance.

5. The Board previously reviewed an advisory recommendation from the Planning Board that contained several proposed conditions of approval should the Board grant the sought after relief. The petitioner did not object to the proposed conditions.
6. The petitioner testified that the proposed improvements would be in keeping with the development in the surrounding area, would not negatively impact any nearby property owners and that the proposed home was the smallest size possible.
7. The petitioner testified that the Department of Environmental Management approval was lengthy and that delayed him from being able to obtain a building permit even though he applied for a building permit.
8. No objections were raised at the public hearing to the Proposal.
9. That the Board concurred with the factual statements and opinions of the petitioners, whose information, analysis and conclusions were found credible and are made a part of the record. The Board also concurred with the findings and recommendations of the Planning Board.

Based on the foregoing, a motion was made by Mr. Jackson, seconded by Mr. Fairhurst to approve the petitioners' application and that the petitioner had exercised the permission granted. It was not fault of the petitioner that the DEM had not issued the septic system permit in time for the petitioner to obtain a building permit prior to the expiration of the variance approval. This petition is granted by the Board with the same stipulations and conditions as contained in the approval issued on February 2, 2007 and the following:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman  
Tiverton Zoning Board of Review